

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY NELSON CRUZADO,

Plaintiff,

-against-

SHAWN JOHN COMBS, et al.,

Defendants.

24-CV-8203 (LTS)

ORDER DENYING REQUEST
FOR PRO BONO COUNSEL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently incarcerated in Suwannee Correctional Institution in Florida, brought this action *pro se*. Plaintiff filed applications for the court to request *pro bono* counsel. (ECF Nos. 2, 5.) For the following reasons, Plaintiff's applications are denied without prejudice to renewal at a later date.

The factors to be considered in ruling on an indigent litigant's request for counsel include the merits of the case, Plaintiff's efforts to obtain a lawyer, and Plaintiff's ability to gather the facts and present the case if unassisted by counsel. *See Cooper v. A. Sargenti Co.*, 877 F.2d 170, 172 (2d Cir. 1989); *Hodge v. Police Officers*, 802 F.2d 58, 60-62 (2d Cir. 1986). Of these, the merits are "[t]he factor which command[s] the most attention." *Cooper*, 877 F.2d at 172.

Plaintiff asserts claims regarding an alleged sexual assault in 2013, by private parties. As set forth in a separate order, Plaintiff has not pleaded facts establishing subject matter jurisdiction of this action in federal court. Accordingly, Plaintiff's requests for counsel are denied without prejudice to renewal.

CONCLUSION

Plaintiff's requests for counsel (ECF Nos. 2, 5) are denied without prejudice to renewal at a later date. The Clerk of Court is further directed to terminate Plaintiff's motions (ECF 9, 11) for an update regarding the status of his case.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: February 26, 2025
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge